

Workers' Compensation Board Claims for Employment and Training Services Participants

Questions and Answers

What is a WCB Deeming Order?

A deeming order is an agreement between Alberta Human Services and the Workers' Compensation Board (WCB) outlining who is responsible for providing Workers' Compensation coverage for Human Services participants. Each deeming order has its own WCB account.

Who is covered under a WCB Deeming Order?

Those receiving Human Services funded training are deemed to be workers of the Government of Alberta. This includes on-reserve First Nations people attending Human Services funded programs on reserve.

What if training occurs with an employer whose worksite is outside of Alberta?

Coverage follows the Human Service participant. If an individual trains with an employer in BC or Saskatchewan, and is being service managed by a service provider or Human Services, the participant is covered by Alberta WCB under the deeming order.

When does Human Services' responsibility for WCB coverage end?

When:

- the terms of the training agreement with the employer are completed, or
- the participant has become an employee of the employer and is on the employer's payroll, and
- there is no more direct involvement with the participant/worker such as further

contribution towards wages, case management or job coaching.

Follow-up by Human Services or a service provider at three, six and 12 month intervals to measure a participant's success is not considered direct involvement or case management.

Who covers Human Services' participants attending training in Alberta's public institutions?

Alberta Advanced Education and Technology provides WCB coverage for individuals attending training in a public institution even though they are funded by Alberta Human Services contracted or tuition based training. Section 7(1)(c) of the WCB General Regulations deems them to be workers of the Government of Alberta (Alberta Advanced Education and Technology).

What are the Legislative Requirements for WCB Reporting?

If a Human Services participant/worker sustains an injury while enrolled and participating in a Human Services' training or paid or unpaid work experience program, the *Workers' Compensation Act* requires employers to report the incident in writing within **72 hours** of being notified of the injury.

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On the worksite, who is required to submit a report?

Once an employer becomes aware of an incident, the employer is responsible for submitting a report. The WCB considers an employer to have acquired knowledge of an incident if the employer or anyone considered by the WCB to be acting on behalf of the employer (such as supervisor or first-aid attendant) receives notice or becomes aware that a participant/worker may have received a work-related injury.

What injuries must be reported?

The general rule is to submit a claim any time a participant/worker sustains a work-related injury and seeks medical attention whether the claim is time lost or not. When in doubt, submit the claim and let WCB investigate to determine whether it is a claim or not.

The WCB Employer Handbook identifies the following work-related injuries:

- injuries causing or likely to cause the worker to be off beyond the day of the injury.
- injuries requiring modified work beyond the day of the injury.
- injuries requiring ongoing medical treatment (physical therapy, prescription medications, etc.).
- injuries resulting in a permanent disability (amputations, hearing loss, etc.).

For further information

Please see the Alberta Works fact sheet *Workers' Compensation Board Claims for Employment and Training Services Participants – Reporting Procedures* or visit the Workers' Compensation Board website at www.wcb.ab.ca